

Cathy L. Arias, State Bar No. 141989
Michelle D. Jew, State Bar No. 208853
Patrick M. Callahan, State Bar No. 219419
Arthur S. Gaus, State Bar No. 289560
Julie Y. Zong, State Bar No. 309804
BURNHAM BROWN
A Professional Law Corporation
P.O. Box 119
Oakland, California 94604-0119

1901 Harrison Street, Suite 1400
Oakland, California 94612-3523
Telephone: (510) 444-6800
Facsimile: (510) 835-6666
Email: carias@burnhambrown.com
mjew@burnhambrown.com
pcallahan@burnhambrown.com
agaus@burnhambrown.com
jzong@burnhambrown.com

Attorneys for Defendant
STARBUCKS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

STARBUCKS CORPORATION, a
Washington Corporation; and DOES 1-10,

Defendants.

No. 4:18-cv-05872-DMR

**DEFENDANT STARBUCKS
CORPORATION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 3-12 AND 7-
11**

Complaint Filed: September 25, 2018

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Defendant Starbucks Corporation ("Starbucks") submits this Administrative Motion to Consider Whether Cases Should Be Related Pursuant to Civil Local Rule 3-12. Starbucks in the putative related *Goodhue* case, hereby moves the Court to consider whether the following 22 cases, all filed in the Northern District of California, qualify as related actions:

	Case No.	Case Name	Date Filed	Judge Assigned
1.	4:16-cv-00724-DMR	Scott Johnson v. Neil B. Goodhue, et al.	February 12, 2016	Hon. Donna M. Ryu
2.	3:16-cv-03495-SK	Scott Johnson v. Los Gatos Gateway and Starbucks Corporation, et al.	June 21, 2016	Hon. Sallie Kim
3.	3:16-cv-06792-SK	Scott Johnson v. Starbucks Corporation	November 24, 2016	Hon. Sallie Kim
4.	3:17-cv-02454-WHA	Scott Johnson v. Blackhawk Centercal, LLC and Starbucks Corporation	April 19, 2017	Hon. William Alsup
5.	3:17-cv-06836-JSC	Scott Johnson v. Starbucks Corporation	November 29, 2017	Hon. Joseph C. Spero
6.	4:18-cv-00585-DMR	Scott Johnson v. Allan A. Sebanc, Beverly M. Sebanc; Kenneth D. McCloskey; Stacey v. Dobos; 363 Grant Avenue Associates, LLC; and Starbucks Corporation	January 27, 2018	Hon. Donna M. Ryu
7.	4:18-cv-00972-YGR	Scott Johnson v. Wells Fargo Bank; Nat'l Ass'n; and Starbucks Corp.	February 15, 2018	Hon. Elizabeth D. Laporte
8.	3:18-cv-01134-MEJ	Scott Johnson v. Starbucks Corporation	February 22, 2018	Hon. Maria Elena James
9.	5:18-cv-01595-SVK	Scott Johnson v. Starbucks Corporation	March 14, 2018	Hon. Susan van Keulen
10.	5:18-cv-01985-BLF	Scott Johnson v. Monterey Fish Company, Inc.; Starbucks Corporation	March 31, 2018	Hon. Hon. Beth L. Freeman
11.	3:18-cv-02782-CRB	Scott Johnson v. Starbucks Corporation	May 11, 2018	Hon. Charles R. Breyer
12.	5:18-cv-03122-BLF	Scott Johnson v. Penco Association; Investment Advisors, LLC; Starbucks Corporation	May 25, 2018	Hon. Beth L. Freeman
13.	4:18-cv-03382-HSG	Scott Johnson v. Jding Properties, LLC; Starbucks Corporation	June 8, 2018	Hon. Haywood S. Gilliam, Jr.

14.	5:18-cv-04284-SVK	Scott Johnson v. Anthony Canciamilla; Maria Canciamilla; Starbucks Corporation	July 17, 2018	Hon. Susan van Keulen
15.	5:18-cv-04402-SVK	Scott Johnson v. Sun Garden Center 1 and Starbucks Corporation	July 20, 2018	Hon. Susan van Keulen
16.	3:18-cv-04489-RS	Scott Johnson v. VTC Expansion LLC; Starbucks Corporation	July 25, 2018	Hon. Richard Seeborg
17.	5:18-cv-04216-SVK	Scott Johnson v. Cheryl A. Booton; Brian E. Booton; Starbucks Corporation	July 13, 2018	Hon. Susan van Keulen
18.	5:18-cv-04815-BLF	Scott Johnson v. Starbucks Corporation	August 9, 2018	Hon. Beth Labson Freeman
19.	3:18-cv-05170-SK	Scott Johnson v. Starbucks Corporation	August 23, 2018	Hon. Sallie Kim
20.	5:18-cv-0550-SVK	Scott Johnson v. Cintz Commercial Properties, LP; Starbucks Corporation	September 11, 2018	Hon. Susan van Keulen
21.	4:18-cv-05551-KAW	Scott Johnson v. Five Points Center; Starbucks Corporation	September 11, 2018	Hon. Kandis A. Westmore
22.	4:18-cv-05872-DMR	Scott Johnson v. Starbucks Corporation	September 25, 2018	Hon. Donna M. Ryu

I. LEGAL STANDARD

Local Rule 3-12(a) states that “[A]n action is related to another when: (1) The actions concern substantially the same parties, property, transaction, or event; and (2) it appears likely there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” This Motion is filed pursuant to Local Rule 3-12(b) and includes, pursuant to Local Rule 3-12(d), “(1) The title and case number of each apparently related cases; (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil Local Rule 3-12(a).” These criteria are met here.

II. RELATIONSHIP OF THE ACTIONS

The *Goodhue* case concerns substantially the same parties, property, transactions, and events as the other 22 cases. The *Goodhue* case is the earliest-filed case within the series of cases

1 filed by Plaintiff Scott Johnson (“Plaintiff”) against Starbucks. All of the actions, brought on
 2 behalf of Plaintiff, name Starbucks, and allege similar claims of transaction counters crowded by
 3 merchandise and displays which narrows the usable counter space to less than 36 inches. Plaintiff
 4 alleges that he is wheelchair bound. He contends that the transaction counters in all of Defendant’s
 5 stores are not accessible for his use. Plaintiff asserts the same causes of action for violation of the
 6 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, and violation of the Unruh
 7 Civil Rights Act, Cal. Civ. Code §§ 51 - 53. Plaintiff’s *Goodhue* Complaint alleges the following
 8 about the alleged transaction counter barrier: “Transaction counters are one of the facilities
 9 privileges, and advantages offered by Defendants to patrons of Starbucks. However, in March
 10 2015, there was no lowered, 36-inch portion of the cashier counter available at Starbucks for use
 11 by wheelchair users. In March 2015, Defendants crowded the cashier counter at Starbucks with
 12 merchandise and displays that narrowed the clear width of the counter to less than 36 inches.” *See*
 13 Complaint, *Scott Johnson v. Neil B. Goodhue, et al.*, Case No. 3:16-cv-00724-DMR, ECF No. 1
 14 (N.D. Cal. February 12, 2016, ¶¶ 69 - 71 (alleging the transaction counter did not have sufficient
 15 clear width)). All of the cases present the same issues: whether Plaintiff has standing, whether
 16 Plaintiff encountered the alleged barrier, whether Plaintiff intends to return to the store, and what,
 17 if any, injury he suffered during his alleged visits.

18 Eighteen of the twenty-two cases were filed in the Northern District in 2018. Although a
 19 few of the cases also name a landlord defendant, this should not preclude relating the cases as the
 20 landlords are alleged to be jointly and severally liable. All of the cases, however, share a common
 21 alleged barrier: transaction counters that are crowded by merchandise and displays which narrow
 22 the usable counter space. Because this action arises from substantially similar transactions, events,
 23 parties, and calls for determination of the same questions of law, it appears likely that there will
 24 be an unduly burdensome duplication of labor and expense, and possible conflicting results if the
 25 cases are conducted before different judges. Relating the cases will eliminate duplicative
 26 discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, counsel,
 27 and the judiciary. Accordingly, the Court should relate these actions under Civil Local Rule 3-12.

1 In compliance with Local Rule 7-11, Defendant conferred with Plaintiff's counsel, but
 2 Plaintiff's counsel objected to the filing of an Administrative Motion, and to the relation of these
 3 actions. Proceeding via a motion, rather than global stipulation is necessary because Plaintiff has
 4 thus far refused to stipulate to relating the cases.

5 III. CONCLUSION

6 For the foregoing reasons, Defendant requests that the Court designate all of the above-
 7 referenced cases as related in accordance with Civil Local Rule 3-12 and that all cases be
 8 assigned to the earliest-filed case, the *Goodhue* matter, under the Honorable Donna M. Ryu.

9
 10 DATED: October 19, 2018

BURNHAM BROWN

11
 12 /s/ Julie Y. Zong

CATHY L. ARIAS

13 MICHELLE D. JEW

14 PATRICK M. CALLAHAN

ARTHUR S. GAUS

15 JULIE Y. ZONG

Attorneys for Defendant

16 STARBUCKS CORPORATION

17 4838-2188-5817, v. 1